2
3
2 3 4 5 6 7
5
6
7
8
9
10
11
12 13 14 15
13
14
15
16 17
17
18
19
19 20
21 22 23 24 25 26 27 28 29 30 31 32 33
22
23
24
25
26
27
28
29
30
31
32
34
35
36
37
38 39

41

42

43

Councilmember Sharon Ambrose

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Sharon Ambrose introduced the following bill, which was referred to the Committee on _______.

To establish a timeframe for the implementation of customer choice in the electricity supply and electricity supply service market; to allow the Commission to accelerate or delay the implementation timeframe for considerations of reliability, safety, or market power; to prevent the implementation of customer choice until the passage of applicable tax legislation; to implement competitive billing for retail electric customers; to prohibit a person, other than an electric company, from engaging in the business of electricity supplier in the District of Columbia without a license issued by the Commission; to require that an application for a license be in writing, verified by oath and affirmation, and accompanied by proof of technical and managerial competence, proof of compliance with all FERC and independent system operator requirements, a certification of compliance with all relevant state and federal environmental laws, proof of financial integrity, a certification of registration with the Department of Consumer and Regulatory Affairs, an agreement to be subject to all applicable taxes, and any other information and financial security required by the Commission; to prohibit the transfer of a license without the prior approval of the Commission; to require the Commission to adopt regulations governing licensing prior to the implementation of customer choice; to require that the Commission's oversight of the transition process and regulation of the restructured industry assure orderliness, electric system reliability, compliance with all applicable federal and District of Columbia environmental laws and regulations, and fairness to customers, electric companies, and electric suppliers; to require the Commission to adopt certain regulations and issue certain orders prior to the implementation of customer choice; to require the Commission to order a universal

service program; to require the Commission to order an electric company to adopt policies and practices reasonably designed to prevent discrimination and self-dealing; to require the Commission to order electric companies and electricity suppliers to provide adequate and accurate information to customers; to require the Commission to order each electricity supplier to divulge, every six months, the fuel mix of the electricity supplied to each customer; to require the Commission to order the unbundling of rates, charges, and services into standardized categories; to require the Commission to order that customers' bills reflect certain charges; to require the Commission to prevent electric companies and electricity suppliers from disclosing information about customers without consent; to require the Commission to determine the rates, terms, and conditions of standard offer service: to require the Commission to issue regulations to protect consumers, electric companies, and electricity suppliers from anticompetitive and abusive practices; to require the Commission to regulate telemarketing, contracting procedures between customers and suppliers, deposits, billing collections, and disputes between customers and suppliers; to require the Commission to adopt certain procedural rules governing complaints against market participants; to require the Commission to order open access to an electric company's transmission and distribution system; to require the Commission to adopt regulations reasonably designed to promote the development of a competitive electricity supply and electricity supply service market; to require the Commission to order a consumer education program; to require the Office of the People's Counsel to maintain certain information as part of a consumer education program; to allow the Commission to regulate an electric company's regulated services through alternative forms of regulation; to allow the Commission to deregulate components of electric service other than electricity supply and electricity supply service; to allow the Commission to regulate the market for any deregulated service upon a finding that the market for that service does not have effective competition; to require an electric company to provide distribution services in its distribution territory; to require that an electric company provide access to its distribution system to all customers and electricity suppliers on non-discriminatory terms, and at non-discriminatory rates; to require that an electric company maintain the reliability of its distribution system in accordance with the requirements of the Commission; to prohibit a market participant from disclosing information about a retail electric customer without written permission; to prohibit a market participant from using information about a customer for a purpose other than the one for which it was acquired without the customer's written permission; to prohibit an electricity supplier from changing a customer's supplier or adding new services or charges without the customer's consent; to prohibit a market participant from adding new services or charges without the customer's consent; to prohibit a market participant from engaging in deceptive or unfair trade practices, discriminating against a customer because of race, color, creed, national origin, sex, or sexual orientation, or refusing to serve a customer for reasons not reasonably related to the market participant's economic and business purposes; to require a market participant to post certain information on the Internet; to allow the Commission to take certain punitive or remedial measures against a market participant for certain violations; to establish the parameters of monetary

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

penalties imposed on market participants; to allow the Commission to take certain temporary remedial measures against market participants; to require a market participant to provide certain information to the Commission in connection with an investigation; to allow the Office of the People's Counsel to represent aggrieved retail electric customers; to define standard offer service, and provide that standard offer service shall be provided by an electric company for a defined period; to require that the provider of standard offer service in the future be determined by competitive bid; to require that the Commission regulate the rates, terms, and conditions of standard offer service; to cap the rate for standard offer service at a certain level for four years; to allow the Commission to reduce the rate below the cap during the four years of the cap's existence; to allow the Commission to eliminate standard offer service if certain findings are made: to allow an electric company to recover its prudently-incurred and verifiable net transition costs through a competitive transition charge; to require the Commission to hold a public hearing and consider certain evidence when making a determination of transition costs; to require the Commission to consider certain factors when determining which transition costs are recoverable; to require the Commission to conduct an annual review of market conditions, and to reconcile those conditions to any authorized competitive transition charge; to allow an electric company to recover costs for public purpose programs; to require the Commission to monitor the relevant markets for anticompetitive conduct and anticompetitive conditions, and to take appropriate remedial actions on its own motion or on the motion of affected parties if such conduct or conditions are found to exist; to allow the Commission to determine the effect on relevant markets of mergers, consolidations, transmission congestion or constraints, and disposition of assets ownership by market participants; to prohibit an electric company from engaging in the business of an electricity supplier, other than its provision of standard offer service, except through an affiliate; to prohibit an affiliate of an electric company from engaging in the business of an electricity supplier unless the Commission, after a hearing, makes certain findings; to require a code of conduct between an electric company and its affiliate if the affiliate is allowed to engage in the market as an electricity supplier; to require the Commission to develop regulations governing an application of an electric company affiliate to engage in the market as an electricity supplier; to require the establishment of a universal service program to be administered by the District of Columbia Office of Energy to assist low-income ratepayers; to require the funding of a universal service program through the application of non-bypassable charge to be determined by the Commission and collected by an electric company; to establish a Universal Service Program Trust Fund to support the universal service program mandated by this act; to allow the Commission and the District of Columbia Office of Energy to combine the universal service program mandated by this act with any existing universal service programs; to allow the development of an opt-in municipal aggregation program to be administered by the Mayor; to require private aggregators to be licensed pursuant to this act; to require the Commission to establish consumer protections for consumers participating in private aggregation programs; to require private aggregators to explain an aggregation program's terms and conditions to a customer, and to obtain a customer's

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

signature prior to enrollment; to require the Commission to provide assistance to persons seeking to implement private aggregation programs; to prohibit a market participant from discriminating against a private aggregator for any reason not reasonably related to the market participant's economic and business purposes; to prohibit a person from constructing an electric generating facility in the District of Columbia after the initial implementation date; to require electricity suppliers to report to the Commission every six months on the fuel mix of their electricity and on the amount of their electricity which comes from renewable energy sources; to require the Commission to provide a report to the Council by a certain date on the cleanliness of the electricity sold in the District of Columbia, and on the feasibility of requiring electricity suppliers to provide a minimum percentage of electricity from renewable energy sources: to amend the Public Utilities Act of 1913 to revise the definitions of "Commission", "public utility", "person", "electric plant" and "electrical corporation"; to delete the definition of "waterpower company" in its entirety; to add a definition of "electric generating facility"; to include electric companies in the prohibition against receiving compensation in excess of approved rates; to clarify that public utilities are prohibited from rendering services for free or less than approved rates; to clarify that the Commission may act jointly with any official board or commission of the United States or any state in any proceeding against a public utility; to include electric companies and electricity suppliers in the provisions governing the termination of services to an apartment house: to authorize the appointment of a receiver to collect rents from tenants when delinquent bills from electric distribution companies and electricity suppliers remain unpaid; to prohibit electric companies and electricity suppliers from violating the provisions of Chapter 5 of Title 43; to prohibit electric companies and electricity suppliers from terminating service to an apartment house without a finding by the commission; to clarify that the Commission may investigate any public utility for charging unreasonable or unjustly discriminatory rates; to clarify that in a rate case, neither the Commission nor the Office of the People's Counsel may seek franchise tax deposits in excess of .25% of the jurisdictional value of the company it is investigating; to require electricity suppliers to pay a reimbursement fee to the Commission; to clarify that when there is more than one rate or charge complaint made against a public utility, the Commission may conduct separate hearings; to clarify that the Commission may conduct a summary investigation against any public utility for suspicion of unreasonable rates or charges; to clarify that it is unlawful for any electric company or other public utility to acquire the stock or bonds of any other corporation engaged in the same or similar business unless authorized by the Commission; to include electric distribution companies within the jurisdiction of the Commission; to require an electric company to obtain permission and approval of the Commission prior to commencing certain construction; to require persons furnishing gas and electric meters to provide suitable premises and facilities for testing and proving the accuracy of those meters; to include excessive electric distribution charges as a complete defense in a collection action; to delete provisions fixing the maximum price of electric current and additional charges for the nonpayment of bills; to grant court-appointed receivers the authority to apportion rents collected to the payment of debts owed by landlords to electric

1

2

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

distribution companies and electricity suppliers; to exclude facilities used by electric companies solely for operating their electricity distribution systems from the definition of "cable television system"; to exclude the normal extension of electric distribution company service from the definition of "action"; to repeal certain provisions relating to cogeneration facilities; to amend § 1-1019 of the D.C. Code to exclude electric companies and electricity suppliers from regulation under D.C. Code §§ 1-1019 to 1-1021; to amend § 5-804(d)(1) of the D.C. Code to revise the definition of the term "utility"; to amend § 7-135 of the D.C. Code to revise the definition of the term "utility".

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Retail Electric Competition and Consumer Protection Act of 1999".

Title I -- General Provisions

Sec. 102. Definitions

For the purposes of this act, the term:

- (1) "Affiliate" means a person who directly or indirectly, or through one or more intermediaries, controls, is controlled by, or is under common control with, or has directly or indirectly, any economic interest in another person.
- (2) "Aggregator" means a person who acts on behalf of customers to purchase electricity, but does not include any person who purchases electricity for its own use of for the use of its subsidiaries or affiliates.
- (3) "Aggregation program" means any system developed by an aggregator for organizing customers into a single purchasing unit;
- (4) "Broker" means a person who acts as an agent or intermediary in the sale and purchase of electricity but who does not take title to electricity.
- (5) "Competitive Transition Charge" means a rate, charge, credit or other appropriate mechanism authorized to be imposed for the recovery of transition costs as determined by the

- (6) "Consumer" or "customer" each means a retail electric customer.
- (7) "Customer choice" or "choice of electricity suppliers" each means the right of electricity suppliers and consumers to use and interconnect with the electric distribution system on a nondiscriminatory basis in order to distribute electricity from any electric supplier to any customer. Pursuant to this right, consumers shall have the opportunity to purchase electricity supply and electricity supply services from their choice of licensed electricity suppliers.

- (8) "Distribution territory" means the geographic area in which an electric company is providing electric transmission and/or distribution services to customers on the initial implementation date.
- (9) "Effective competition" means, with respect to the markets for electricity supply and electricity supply services, billing, and those services declared by the Commission to be potentially competitive services pursuant to section 106(e) of this act, a market structure and a process under which an individual seller is not able to influence significantly the price of the service as a result of the number of sellers of the service, the size of each seller's share of the market, the ability of the sellers to enter or exit the market, and the price and availability of comparable substitutes for the service.
- (10) "Electricity supplier" means a person, including an aggregator, broker, or marketer, who sells electricity or electricity supply services or who purchases, brokers, arranges or markets electricity or electricity supply services for sale to customers. The term excludes aggregators and building owner/operators and lessee/operators who manage the internal distribution system serving such building and who supply electricity and electricity supply

services	solely to	occupants	of the b	ouilding for	use by	such	occupants.

(11) "Initial implementation date" means the first day on which customers in the District of Columbia shall have the ability to choose an electricity supplier. Unless accelerated or delayed by the Commission pursuant to section 103(c) of this act, the initial implementation date shall be January 1, 2001.

- (12) "Marketer" means a person who purchases and takes title to electricity as an intermediary for sale to customers.
- (13) "Market participant" means an electric company, any electricity supplier, or any person providing services declared by the Commission to be potentially competitive services pursuant to section 106(e) of this act.
- (14) "Potentially competitive service" means a component of electric service, other than electricity supply, electricity supply service, and billing, determined by the Commission to be suitable for purchase by customers by alternative sellers pursuant to section 106(e) of this act.
- (15) (A) "Public purpose program" means a program implemented with the intention of furthering a public purpose.
 - (B) "Public purpose program" includes:
 - (1) A universal service program;
 - (2) A program encouraging renewable energy resources;
- (3) A demand side management or other energy efficiency or conservation program; and
 - (4) A consumer education program.
 - (16) "Retail electric customer" means a purchaser of electricity for end use in the

District of Columbia. The term excludes an occupant of a building where the owners/operators or lessees/operators manage the internal distribution system serving such building and supply electricity and electricity supply services solely to occupants of the building for use by such occupants.

- (17) "Schedule" means a list of the dates on which each customer class, or designated percentage of customer class, is eligible for customer choice and competitive billing.
- (18) "Standard offer service" means that electric service mandated by section 110 of this act.
- (19) "Transition costs" means costs, liabilities, and investments, including regulatory assets, to the extent such costs, liabilities, and investments traditionally have been or would be recoverable under the existing regulatory structure (with retail rates for the provision of electric service) but which may not be recoverable in the restructured electricity supply market, or which arise as a result of electric industry restructuring and are related to the creation of customer choice.

Sec. 103. Implementation Dates for Customer Choice

- (a) On and after the initial implementation date, the generation, supply, and sale of electricity, including all related facilities and assets, shall not be regulated except as expressly set forth in this act.
- (b) Unless accelerated or delayed pursuant to subsection (c) of this section, customer choice shall begin on January 1, 2001, and by January 1, 2003, all retail electric customers, regardless of customer class, shall have a choice of electricity suppliers. Unless the initial implementation date is accelerated or delayed, the Commission shall determine, prior to January

1, 2001, a schedule for the phase-in of customer choice between January 1, 2001 and January 1, 2003.

- (c) The Commission may accelerate or delay the initial implementation date based on considerations of reliability, safety, or market power. Under no circumstances, however, should the initial implementation date be delayed beyond January 1, 2002. If the initial implementation date is accelerated or delayed pursuant to this subsection, customer choice shall be phased-in over a two-year period beginning on the initial implementation date, and under a schedule determined prior to the initial implementation date by the Commission.
- (d) Notwithstanding the dates set forth in this section or any other law, customer choice may not commence until legislation is enacted to restructure District of Columbia taxes to address the tax implications of restructuring the electric utility industry.

Sec. 104. Competitive Billing

Competitive billing shall begin on the initial implementation date, and shall be implemented according to a schedule to be determined by the Commission. The schedule and any other orders and regulations necessary to implement the requirements of this section shall be issued by the Commission prior to the initial implementation date.

Sec. 105. Licensing Requirements.

- (a) A person other than an electric company may not engage in the business of electricity supplier in the District of Columbia unless the person holds a license issued by the Commission.
 - (b) An application for an electricity supplier license shall:
 - (1) Be made to the Commission in writing on a form adopted by the

Commissio)II;		1
	(2)	Be verified by oath or affirmation;	2
	(3)	Be accompanied by an application fee determined by the Commission;	3
and			4
	(4)	Contain all information that the Commission requires, including	5
		(A) Proof of technical and managerial competence;	6
		(B) Proof of compliance with all applicable requirements of the	7
Federal En	ergy Reg	ulatory Commission and any independent system operator or regional or	8
system trai	nsmission	operator to be used by the licensee; and	9
		(C) A certification of compliance with applicable federal and state	10
environme	ntal laws	and regulations that relate to the generation of electricity.	11
(c)	The	Commission shall, by regulation or order:	12
	(1)	Require that an applicant demonstrate proof of financial integrity;	13
	(2)	Require an applicant to post a bond or other similar instrument if, in the	14
Commissio	on's judgr	nent, the bond or similar instrument is necessary to insure an applicant's	15
financial in	ntegrity;		16
	(3)	Require an applicant to:	17
		(A) Demonstrate that it has registered with the Department of	18
Consumer	and Regu	alatory Affairs to do business in the District of Columbia;	19
		(B) Agree to be subject to all applicable taxes; and	20
	(4)	Adopt any other requirements it finds to be in the public interest.	21
(d)	A lic	ense may not be transferred without the prior approval of the Commission.	22

(e) Before the initial implementation date, the Commission shall adopt regulations to:

- (1) Determine the form of the application, the amount of the application fee, and the information required to be submitted with an application under this section;
- (2) Determine financial capability requirements, including insurance and bonding requirements;
- (3) Establish procedures for the filing and resolution of complaints against retail electric service providers; and
- (4) Establish the duration of a license issued under this section, procedures and requirements for license renewal, and provisions regarding the surrender and lapse of a license.

Sec. 106. Role, Duties, and Powers of the Commission.

- (a) The Commission's assessment and approval of restructuring plans, oversight of the transition process, and regulation of the restructured electric industry shall provide that the transition to a competitive electricity supply and electricity supply services market shall be orderly, maintain electric system reliability, ensure compliance with all applicable federal and District of Columbia environmental laws and regulations, and be fair to customers, electric companies, and electricity suppliers.
- (b) The Commission shall adopt the regulations or issue the orders required under this section before the implementation of customer choice.
- (c) (1) The Commission shall order a universal service program to be made available on a citywide basis to benefit low-income customers in accordance with section 115 of this act.

(2)	(2)	The Commission shall order an electric company to adopt policies and
practices reasor	nably d	designed to prevent:

- (A) Discrimination against a person, locality, or particular class of service
- (B) Undue or unreasonable preference in favor of the electric company's own electricity supply, or other services, divisions, or affiliates, if any; and
- (C) Any forms of self-dealing or other practices that could result in non-competitive electricity prices to customers.
- (3) The Commission shall, by regulation or order, require each electric company and electricity supplier to provide adequate and accurate information to each customer on the available electric services of the electric company or electricity supplier.
- (4) The Commission shall, by regulation or order, require each electricity supplier to disclose to its customers, every six months, either the fuel mix of the electricity purchased by those customers, including categories of electricity from coal, natural gas, nuclear, oil, hydroelectric, solar, biomass, wind, and other resources, or a regional fuel mix average. The Commission may, in its discretion, require an electricity supplier to provide documentation supporting the disclosures required under this subsection.
- (5) The Commission shall, by regulation or order, require the unbundling of electric company rates, charges, and services into standardized categories determined by the Commission.
- (6) The Commission shall, by regulation or order, require that customers' bills for electricity service indicate charges for:

	(A)	Transmission and distribution;	1
	(B)	Satisfaction of transition costs;	2
	(C)	Satisfaction of costs for public purpose programs;	3
	(D)	Universal service programs;	4
	(E)	Taxes; and	5
	(F)	Other charges determined by the Commission.	6
(7)	The C	ommission shall issue regulations or orders to prevent an electric	7
company or an electr	icity su _l	pplier from disclosing information about a retail electric customer	8
without the retail elec	etric cus	stomer's consent. This prohibition shall not apply to lawful	9
disclosures for bill co	ollection	or credit rating reporting purposes.	10
(8)	The C	commission shall determine the terms, conditions, and rates of	11
standard offer service	e in acco	ordance with section 110 of this act.	12
(9)	The C	ommission shall issue regulations or orders designed to protect	13
consumers, electric c	ompani	es, and electricity suppliers from anticompetitive and abusive	14
practices.			15
(10)	The C	commission shall issue regulations or orders to:	16
	(A)	Establish reasonable restrictions on telemarketing;	17
	(B)	Establish procedures for contracting between customers and	18
electricity suppliers;			19
	(C)	Establish requirements and limitations relating to deposits, billing,	20
collections, and contr	ract can	cellations; and	21
	(D)	Establish procedures for the resolution of disputes between	22

(11)

definitions and establishing procedural rules for complaints, investigations, and dispositional hearings pursuant to section 109 of this act.

(12) The Commission shall adopt regulations or issue orders adopting definitions and establishing procedural rules for complaints, investigations, and dispositional hearings pursuant to section 113 of this act.

The Commission shall adopt regulations or issue orders adopting

- (13) The Commission shall adopt regulations or issue orders requiring access by electricity suppliers and customers to an electric company's transmission and distribution system on a non-discriminatory basis.
- (14) On or before the initial implementation date, the Commission shall adopt regulations or issue orders, consistent with the policies enunciated in this act, reasonably designed to ensure the development of competitive electricity supply and electricity supply services markets, with appropriate customer safeguards.
- (15) (A) The Commission shall order an electric company, in conjunction with the Commission, the Office of the People's Counsel, and other parties, to implement a consumer education program informing consumers of changes in the electric industry.
- (B) Any board or group established under subsection (15)(A) of this section shall include at least 2 members of the public.
- (C) As part of the consumer education program under this subsection, the Office of the People's Counsel shall develop and maintain information regarding rates and services provided by licensed electricity suppliers to small commercial and residential customers.

The information	on requ	ired in	this sub	esection shall be:	1
			(i)	Readily understandable and formatted to provide a	2
comparison of	f rates a	and serv	rices off	fered by electricity suppliers; and	3
			(ii)	Made available to the public through the ordinary means of	4
publication of	the Off	fice of t	the Peop	ple's Counsel, including posting on the Internet.	5
(d)	(1)	Notwi	ithstand	ling any other provision of law, the Commission may regulate	6
the regulated s	services	s of an e	electric	company through alternative forms of regulation.	7
	(2)	The C	Commis	sion may adopt an alternative form of regulation under this	8
section if the	Commi	ssion fi	nds, aft	er notice and a hearing, that the alternative form of	9
regulation:					10
		(A)	Protec	ets consumers;	11
		(B)	Ensur	es the quality, availability, and reliability of regulated electric	12
services; and					13
		(C)	Is in t	he interest of the public, including shareholders of the electric	14
company.					15
	(3)	Alterr	native fo	orms of regulation may include:	16
		(A)	Price	regulation, including price freezes or caps;	17
		(B)	Rever	nue regulation;	18
		(C)	Range	es of authorized return;	19
		(D)	Rate	of return;	20
		(E)	Categ	ories of services; and	21
		(F)	Price-	indexing.	22

(e)	The Commission shall determine that a component of electric service, other than
electricity sup	oly, electricity supply service, and billing is a potentially competitive service if:

- (1) Provision of the service by alternative sellers will not harm any class of customers;
- (2) Provision of the service will decrease the cost of providing the service to customers in the District of Columbia, or increase the quality or innovation of the electric service to customers in the District of Columbia;
- (3) Effective competition in the market for that service is likely to develop; and
- (4) Provision of the service by alternative sellers will not otherwise jeopardize the safety and reliability of electric service in the District of Columbia.
- (f) If the Commission determines that the market for electricity supply and electricity supply service, billing, or any other component of electric service declared by the Commission to be a potentially competitive service under subsection (e) of this act, does not have effective competition, the Commission shall, by regulation or order, establish the rates, terms, and conditions of the service. The regulation or order must ensure that the rates, terms, and conditions are just and reasonable, and not unduly discriminatory.

Sec. 107. Duties of an Electric Company

- (a) The electric company in a distribution territory shall provide and be responsible for distribution services in the territory.
- (b) The electric company shall provide distribution services in its distribution territory to all customers and electricity suppliers on rates, terms of access, and conditions that are

comparable to the electric company's own use of its distribution system.

(c) An electric company shall maintain the reliability of its distribution system in accordance with applicable orders, tariffs, and regulations of the Commission.

(d) An electric company shall connect customers and deliver electricity on behalf of electricity suppliers consistent with the provisions of this act.

Sec. 108. Consumer Protections

- (a) A market participant may not disclose any information about a retail electric customer without the customer's written permission. This restriction shall not apply to lawful disclosures for bill collection or credit rating reporting purposes.
- (b) Unless the retail electric customer consents in writing, a market participant may not use information about a retail electric customer for any purpose other than the purpose for which the information was originally acquired.
- (c) Unless the retail electric customer consents, an electricity supplier may not change a retail electric customer's electricity supplier.
- (d) Unless the retail electric customer consents, a market participant may not add services or new charges to a retail electric customer's existing retail electric service options.
- (e) A market participant may not engage in marketing, advertising, or trade practices that are unfair, false, misleading, or deceptive.
- (f) A market participant may not discriminate against any retail electric customer based wholly or partly on the race, color, creed, national origin, sex, or sexual orientation of the retail electric customer, or for any arbitrary, capricious, or unfairly discriminatory reason.
 - (g) A market participant may not refuse to provide service to a customer except by the

application of	of standa	ards that are reasonably related to the market participant's economic and	1							
business pur	poses.		2							
(h)	A ma	A market participant shall post on the Internet information that is readily								
understandal	ole abou	at its services and rates for small commercial and residential electric	4							
customers.			5							
Sec.	109. In	vestigation of Violations, Penalties for Violations	6							
(a)	After	notice and a hearing and for just cause, the Commission may:	7							
	(1)	Suspend or revoke a license of a market participant;	8							
	(2)	Impose a civil penalty on a market participant;	9							
	(3)	Order a refund or credit to a retail electric customer;	10							
	(4)	Cancel a contract or part of a contract between a retail electric customer	11							
and a market	partici	pant; or	12							
	(5)	Issue a cease and desist order to a market participant.	13							
(b)	For t	he purposes of this section, just cause means:	14							
	(1)	Intentionally providing false information to the Commission;	15							
	(2)	Switching, or causing to be switched, the electricity supplier for a retail	16							
electric custo	omer wi	thout first obtaining the customer's written consent;	17							
	(3)	A failure by an electricity supplier to provide electricity for its customers;	18							
	(4)	Committing fraud or engaging in deceptive practices;	19							
	(5)	Failing to maintain financial integrity;	20							
	(6)	Violating a Commission regulation or order;	21							
	(7)	Failing to pay, collect, remit, or calculate accurately any applicable tax;	22							

	(8)	Violating any requirement of this act, any federal or District of Columbia
environmental	law or	regulation, or any federal or District of Columbia consumer protection
provision;		
	(9)	Conviction of a felony by the licensee or principal of the licensee, or any

2

3

5

7

8

10

11

12

13

14

15

16

17

18

19

20

21

22

- crime involving fraud, theft, or deceit; and
- Revocation of the authority to engage in the provision of any component (10)of electric service by any other state or federal agency.
- (c) (1) A civil penalty imposed by the Commission pursuant to this section shall not exceed \$10,000 per violation.
 - (2) Each day a violation continues shall be considered a separate violation.
- (3) The Commission shall determine the amount of any civil penalty after considering:
- (A) The number of previous violations on the part of the market participant;
 - The gravity of the current violation; and (B)
- The good faith of the market participant in attempting to achieve (C) compliance after notification of the violation.
- The Commission may temporarily suspend a license, issue a temporary cease and (d) desist order, or take any other appropriate temporary remedial action, pending a final determination after notice and hearing, if the Commission determines that there is probable cause to believe that consumers or the reliability of the electric supply in the District of Columbia will be harmed by the actions of a market participant.

(e) A proceeding on the violations listed in subsection (b) may be instituted on the Commission's own motion, or may be triggered by a complaint of the Office of the People's Counsel, the Office of the Corporation Counsel, or any aggrieved party.

- (f) In connection with an investigation under this section, a market participant shall provide to the Commission access to any accounts, books, papers, and documents which the Commission considers necessary to resolve the matter.
- (g) In a proceeding instituted pursuant to this section, the Office of the People'sCounsel may represent any aggrieved retail electric customer.

Sec. 110. Standard Offer Service.

- (a) Standard offer service is electricity supply and electricity supply service made available on and after the initial implementation date to:
- (1) Customers not yet allowed to choose an electricity supplier under the phase-in of customer choice under section 103 of this act;
- (2) Customers who contract for electricity with an electricity supplier, but who fail to receive delivery of electricity under such contracts;
- (3) Customers who cannot arrange to purchase electricity from an electricity supplier; and
 - (4) Customers who do not choose an electricity supplier.
- (b) Standard offer service shall be provided by an electric company from January 1, 2001 through July 1, 2003. If the initial implementation date is accelerated or delayed pursuant to section 103(c), standard offer service shall be provided by an electric company on the initial implementation date, and for 30 months thereafter.

(c) On or before July 1, 2001, the Commission shall adopt regulations or issue orders to establish procedures for the competitive selection of electricity suppliers, including an electric company, to provide standard offer service to customers under this section. The competitive selection shall take place no later than July 1, 2002. The electricity supplier chosen to provide standard offer service shall begin providing such service on July 2, 2003, or, if the initial implementation date is accelerated or delayed pursuant to section 103(c) of this act, on the day after the expiration of the 30 month period specified by subsection (b) of this section.

- (d) The Commission shall, after notice and an opportunity for a hearing, determine the rates, terms, and conditions of standard offer service, and shall establish such requirements for providers and customers as it finds necessary to promote the reliable and economic provision of such services and to prevent the inefficient use of such services. The Commission may use any rate method that promotes the public interest and may establish different rates, terms, and conditions for different classes of customers.
- (e) Any other provision of this act notwithstanding, for four years after the initial implementation date, the total rate charged to a customer receiving standard offer service, including charges for electricity supply, electricity supply service, transmission, distribution, billing, metering, universal service programs, transition costs, public purpose programs, and any other costs or services, shall not exceed the total of the rates authorized by the Commission and charged to that customer on the date immediately preceding the initial implementation date.
- (f) During the four years in which the rate cap under subsection (e) is in effect, the Commission shall have the authority to reduce, in a manner it deems appropriate, the total rate charged to a customer receiving standard offer service. The Commission may not implement

such a rate reduction, however, if the rate reduction would hinder the development of effective competition in the electricity supply and electricity supply service market, or in the market for any other component of electric service declared by the Commission to be a potentially competitive service pursuant to section 106(e) of this act.

- (g) The Commission may eliminate the provision of standard offer service if it determines that:
- (1) The market for electricity supply and electricity supply services is fully competitive; and
- (2) Alternative mechanisms are in place to serve standard offer service customers efficiently.

Sec. 111. Transition Costs.

- (a) An electric company shall be provided a fair opportunity to recover all of its prudently incurred and verifiable net transition costs, subject to full mitigation, following the Commission's determination under subsection (b) of this section. In connection with the foregoing:
- (1) A competitive transition charge, or other appropriate non-bypassable mechanism as determined by the Commission, may be included as part of the charge paid by every customer accessing the transmission or distribution system of the electric company.
- (2) The competitive transition charge may be included on bills to customers for a period of limited duration to be determined by the Commission.
- (3) The Commission may establish recovery periods of different lengths for different categories of transition costs.

	(4)	Any c	competi	tive transition charge must be fair to all customer classes.	1
(b)	(1)	The to	ransitio	n costs and amounts thereof that an electric company shall be	2
provided an	opportu	nity to r	ecover	under its restructuring plan through the competitive transition	3
charge or oth	ner appro	opriate i	mechan	ism shall be determined by the Commission.	4
	(2)	In det	erminir	ng the appropriate transition costs or benefits for each electric	5
company's go	eneratio	n-relate	d assets	s, the Commission shall:	6
		(A)	Cond	uct public hearings; and	7
		(B)	Consi	ider, in addition to other appropriate evidence of value:	8
			(i)	Book value and fair market value;	9
			(ii)	Auctions and sales of comparable assets;	10
			(iii)	Appraisals;	11
			(iv)	The revenue the company would receive under rate-of-	12
return regula	ition;				13
			(v)	The revenue the company would receive in a restructured	14
electricity su	ipply ma	arket; a	nd		15
			(vi)	Computer simulations provided to the Commission.	16
	(3)	If the	Comm	ission determines that transition costs exist, the Commission	17
shall determi	ine the e	extent of	f the per	rmitted recovery based on the following factors:	18
		(A)	The p	orudence of the original investment and the prudence of the	19
continued m	anagem	ent of th	ne inves	tment;	20
		(B)	Whet	her the investment was mandated by law, regulation, or order;	21
		(C)	Whet	her the amount at issue has been fully verified and	22

minimized;

(D) Whether the investment continues to be used and useful;

(E) Whether the loss is one of which investors can be said to have

reasonably borne the risk;

- (F) Whether investors have already been compensated for the risk;
- (G) The financial integrity of the electric company; and
- (H) The impact of a recovery of transition costs on the development of effective competition in the market for electricity supply and electricity supply services, billing, or the market for any component of electric service declared by the Commission to be a potentially competitive service pursuant to section 106(e) of this act.
- (c) The Commission shall establish procedures for an annual review of actual market conditions to determine if the authorized competitive transition charge is overcompensating or undercompensating an electric company for the transition costs established under subsection (b)(3) of this section. If an annual review demonstrates that the authorized competitive transition charge is overcompensating or undercompensating an electric company for the transition costs established under subsection (b)(3) of this section, the Commission shall adjust the competitive transition charge accordingly.

Sec. 112. Recovery for Public Purpose Programs

(a) An electric company may make an application to the Commission to recover all costs that have been or will be incurred by the electric company under public purpose programs established by law or ordered by the Commission. To the extent determined by the Commission to be just and reasonable, the Commission shall allow an electric company to recover such costs.

(b)	Such	costs m	hay be recovered through a surcharge or other appropriate cost	1					
recovery mechanism to be determined by the Commission. Any surcharge or other cost recovery									
mechanism is	anism implemented in connection with this section must be fair to all customer classes.								
(c)	In det	terminii	ng whether an electric company should be permitted to recover costs	4					
defined by th	is section	on, the	Commission shall ensure that such costs have not been recovered	5					
through rates	charge	d prior	to the initial implementation date.	6					
Sec. 1	113. M	arket Po	ower, Remediation	7					
(a)	In thi	s sectio	on, the following terms have the meanings indicated:	8					
	(1)	"Anti	icompetitive conduct" means an activity which would:	9					
		(A)	Be in violation of any applicable antitrust law;	10					
		(B)	Constitute favorable treatment of an affiliate;	11					
		(C)	Discriminate against a non-related entity;	12					
		(D)	Constitute a barrier to entry;	13					
		(E)	Confer an unfair competitive advantage on an entity.	14					
	(2)	"Anti	icompetitive condition" means a condition which would allow a party	15					
to:				16					
		(A)	Exercise vertical or horizontal market power;	17					
		(B)	Use the ownership or control of a regulated facility to favor an	18					
unregulated a	affiliate	or subs	sidiary or to discriminate against a non-affiliated entity;	19					
		(C)	Erect a barrier to entry; or	20					
		(D)	Compete unfairly or deny effective competition to consumers.	21					
(b)	The C	Commis	ssion shall monitor the market for electricity supply and electricity	22					

- (c) (1) Any competitor or potential competitor in the market for electricity supply and electricity supply services, and the market for any service determined by the Commission to be a potentially competitive service pursuant to section 106(e) of this act, the Office of the People's Counsel, or any aggrieved customer or customer group may file a complaint with the Commission seeking an investigation of anticompetitive conduct or an anticompetitive condition.
- (2) The Commission may investigate anticompetitive conduct or an anticompetitive condition on its own motion, or as a result of a complaint filed under subsection(c)(2) of this section.
- (3) If, after notice and a hearing, the Commission finds that anticompetitive conduct has occurred, or that an anticompetitive condition exists, the Commission may impose any appropriate structural or behavioral remedy, including divestiture and conditions and limitations on the ownership, operation, and control of the assets of a person.
- (4) The Commission shall include the use of antitrust analysis and principles in reaching its determinations under this subsection.
- (d) (1) The Commission may determine the effect on the markets for electricity supply, electricity supply services, billing, and any service determined by the Commission to be a potentially competitive service pursuant to section 106(e) of this act, of:
- (A) Mergers, consolidations, or acquisitions of assets of market participants;

	(B) Transmission congestion or constraints; and	1
	(C) The disposition of ownership, operation, or control of assets of	2
market partic	pants.	3
	(2) The Commission may deny or place conditions on any transaction covered	4
by this subse	tion.	5
	(3) The Commission shall include the use of antitrust analysis in making its	6
determination	s under this subsection.	7
(e)	The Commission shall adopt regulations or issue orders adopting definitions and	8
establishing j	rocedural rules for complaints, investigations, and dispositional hearings pursuant	9
to this section	•	10
(f)	In connection with an investigation under this section, a market participant shall	11
provide to th	Commission access to any accounts, books, papers, and documents which the	12
Commission	considers necessary to resolve the matter.	13
(g)	Nothing in this section shall be construed to exempt market participants from any	14
other applica	ele statute of the District of Columbia relating to consumer or antitrust protections.	15
Sec.	14. Provision of Electricity Supply and Electricity Supply Service by Electric Company	16
(a)	Other than its provision of standard offer service, an electric company may not	17
engage in the	business of an electricity supplier in the District of Columbia unless it does so	18
through an at	ïliate.	19
(b)	An affiliate of an electric company may engage in the business of an electricity	20
supplier in th	e District of Columbia only upon a finding by the Commission, after a hearing, that:	21

22

(1)

The electric company is in compliance with section 107 of this act;

	(2)	The affiliate will have an arm's length relationship with the electric
company;		

(3) The business or organizational relationship, or both, between the affiliate and the electric company will not interfere with the development of effective competition in the electricity supply market; and

- (4) The risk of anticompetitive behavior by the electric company or the affiliate is minimal.
- (c) If an affiliate of an electric company is allowed to participate in the market as an electricity supplier pursuant to subsection (b) of this section, the Commission shall develop a code of conduct between the electric company and the affiliate which:
- (1) Establishes functional, operational, structural, and/or legal separation between the electric company and the affiliate;
- (2) Prevents the electric company from subsidizing the activities of the affiliate; and
- (3) Prevents the affiliate from subsidizing the activities of the electric company.
- (d) The Commission shall adopt regulations which specify the information which must be submitted and the procedure which will be used to process a request by an affiliate of an electric company to engage in the business of an electricity supplier in the District of Columbia. The procedure must provide an opportunity for the affiliate to obtain a determination from the Commission regarding its request to engage in the business of an electricity supplier no later than 6 months before the initial implementation date.

(e) An electric company and an affiliate participating in the market as an electricity supplier in accordance with this section are subject to all applicable statutes of the District of Columbia and the United States relating to consumer and antitrust protections in the same manner as if the provider and its affiliate were not affiliated.

Sec. 115. Universal Service.

- (a) (1) The Commission shall establish a universal service program to assist low-income District of Columbia electricity ratepayers.
- (2) The District of Columbia Office of Energy shall be responsible for administering the universal service program, subject to the oversight of the Commission.
- (b) (1) All customers shall contribute to the funding of the universal service program through a non-bypassable charge collected by an electric company.
- (2) The charge mandated by subsection (b)(1) of this section shall be determined by the Commission. The charge may vary by customer class, and shall be established at a level which ensures that each customer class provides a fair and equitable share of the funding for the universal service program.
- (3) On an annual basis, the Commission shall evaluate the charge mandated by subsection (b)(1) of this section to determine whether it is set at an appropriate level to fund the universal service program mandated by this section. If the Commission finds that the charge is not set at an appropriate level, the Commission may adjust the charge accordingly.
- (c) (1) There is hereby established the Universal Service Program Trust Fund, which shall be classified as a proprietary fund and a type of enterprise fund for the purposes of section 4(a) of the District of Columbia Fund Accounting Act of 1980, effective June 4, 1980

- (2) An electric company shall remit all proceeds collected pursuant to subsection (b) of this section to the District of Columbia Treasurer on a monthly basis. The Chief Financial Officer of the District of Columbia shall deposit those proceeds into the Universal Service Program Trust Fund. All proceeds collected by an electric company pursuant to subsection (b) of this section shall be credited to the Universal Service Program Trust Fund without regard to fiscal year limitation.
- (3) All revenue credited to the Universal Service Program Trust Fund is specifically designated to fund the universal service program mandated by subsection (a) of this section. The Universal Service Program Trust Fund shall not be used for any other purpose.
- (4) All interest earned on monies deposited in the Universal Service Program

 Trust Fund shall be credited to the Universal Service Program Trust Fund and shall be used solely for the purposes designated in this section.
- (5) Subject to the oversight of the Commission, the District of Columbia

 Office of Energy shall disburse money from the Universal Service Program Trust Fund to fund
 the universal service program developed by the Commission pursuant to subsection (a) of this
 section.
- (d) The universal service program developed and administered pursuant to this section is designed to supplement any existing universal service program operated by the Commission, or any existing program operated by the District of Columbia Office of Energy. To the extent allowed by federal or District of Columbia law, the universal service program mandated by this section may be combined with any existing universal service program operated

by the Commission, or any existing program operated by the District of Columbia Office of Energy.

Sec. 116. Aggregation Programs

- (a) (1) After the initial implementation date, the Mayor may develop and administer a municipal aggregation program for District of Columbia residents for the purchase of electricity supply and electricity supply services.
- (2) Any customer electing to participate in the aggregation program allowed by subsection (a)(1) of this section must do so affirmatively and voluntarily, as evidenced by a signature authorizing the customer's participation. The terms and conditions of the aggregation program must be clearly articulated in writing to the customer before the customer's signature is obtained.
- (b) (1) A person may not operate a private aggregation program unless that person obtains a license pursuant to section 105 of this act.
- (2) Any customer electing to participate in a private aggregation program must do so affirmatively and voluntarily, as evidenced by a signature authorizing the customer's participation. The terms and conditions of the aggregation program must be clearly articulated in writing to the customer before the customer's signature is obtained.
- (3) The Commission shall by regulation or order establish reasonable consumer protections for customers who participate in private aggregation programs.
- (4) The Commission shall provide assistance to any person seeking to implement a private aggregation program. Such assistance shall include help in understanding the technical and economic issues involved in purchasing electricity supply and electricity supply

services, or any other service determined by the Commission to be a potentially competitive					
service pursuant to section 106(e) of this act.					
	(5)	The Commission shall adopt any other reasonable regulations relating to	3		
aggregators and aggregation programs that it determines to be in the public interest.					
(c)	A mar	ket participant may not refuse to provide service to an aggregator except by	5		
the application of standards that are reasonably related to the market participant's economic and					
business purposes. 7					
Sec. 117. Prohibition on New Generating Facilities in the District of Columbia 8					
After the initial implementation date, no person shall construct an electric generating 9					
facility in the District of Columbia.					
Sec. 118. Renewable Energy Sources					
(a)	In this	section, "renewable energy source" means one of the following sources of	12		
energy:			13		
	(1)	solar;	14		
	(2)	wind;	15		
	(3)	tidal;	16		
	(4)	geothermal;	17		
	(5)	biomass, including waste-to-energy and landfill gas recovery;	18		
	(6)	hydroelectric facilities;	19		
	(7)	digester gas; and	20		
	(8)	a manufacturing or commercial waste-to-energy system or facility.	21		
(b)	Every	six months after the initial implementation date, each licensed electricity	22		

supplier doing business in the District of Columbia shall provide a report to the Commission on the fuel mix of the electricity sold by that electricity supplier, including categories of electricity from coal, natural gas, nuclear, oil, hydroelectric, solar, biomass, wind, and other resources, and on the percentage of electricity sold by that electricity supplier which comes from renewable energy sources.

(c) By January 1, 2002, the Commission shall provide a report to the Council on the amount of electricity sold in the District of Columbia which comes from renewable energy sources, and on the feasibility of requiring each licensed electricity supplier doing business in the District of Columbia to provide a minimum percentage of electricity sold from renewable energy sources.

Title II -- Amendment of Title 43

Sec. 201. An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, approved March 4, 1913 (37 Stat. 992; D.C. Code §§ 43-101 *et seq.*), is amended as follows:

- (a) Paragraph 92 of section 8 (37 Stat. 993; D.C. Code § 43-103) is amended by striking the first period and inserting the phrase "; provided, however, that the generation, supply, and sale of electricity, including all related facilities and assets, shall not be regulated by the Commission except as expressly set forth in the Retail Electric Competition and Consumer Protection Act of 1999." in its place.
- (b) Paragraph 1 of Section 8 (37 Stat. 974; D.C. Code Title 43, Ch. 2) is amended as follows:

(1) D.C. Code § 43-201 is amended by inserting the phrase "or Public Service Commission" after the word "Commission" in the title and when it first appears in the text and by striking the phrase "created by Chapters 1-10 of this title" and inserting the phrase "or any successor Commission thereto which shall include without limitation any regulatory or other body that possesses or exercises the same or similar powers, functions, duties and obligations exercised or possessed by the Commission on the effective date of the Retail Electric Competition and Consumer Protection Act of 1999 or contemplated by such Act." in its place.

- (2) D.C. Code § 43-203 is amended by inserting the phrase "or "utility" or "utility company"" after the phrase "public utility" in its title and text and striking the phrase "electric plant, electrical corporation, waterpower company" and inserting the phrase "electric company" in its place. A new sentence is added to the end to read as follows: "Until the initial implementation date of the Retail Electric Competition and Consumer Protection Act of 1999, such term shall also include every electric plant."
- (3) D.C. Code § 43-206 is amended by striking the phrase "includes an individual and a firm or copartnership" and inserting the phrase "means every individual, corporation, company, association, joint-stock company, association, firm, partnership, or other entity." in its place.
 - (4) D.C. Code § 43-214 is amended to read as follows:

"The term "electric plant" when used in Chapters 1-10 of this title means the material, equipment, and property owned by an electric company and used or to be used for or in connection with the transmission or distribution of electricity in the District of Columbia to a

retail electric customer.".

corporation" and inserting the phrase "electric company" in its place in the title and text, by inserting the word "and" after the phrase "doing business in the District of Columbia,", and by striking the phrase "owning, operating, controlling, or managing any electric plant, including any water plant, or water property, or water falls, or dam, or waterpower stations, except where electricity is made, generated, produced, or transmitted by a private person or private corporation on or through private property solely for its own use or the use of tenants of its building and not for sale to or for the use of others" and inserting the phrase "physically transmitting or distributing electricity in the District of Columbia to retail electric customers. The term excludes any building owner/operators and lessee/operators who hold ownership over or a leasehold interest in, and manage the internal distribution system serving, such building and who supply electricity and other related electricity services solely to occupants of the building for use by such occupants."

- (6) D.C. Code § 43-216 is deleted in its entirety.
- (7) A new definition is added, to read as follows:

"The term "electric generating facility" when used in this title means all buildings, easements, real estate, mains, pipes, conduits, fixtures, meters, wires, poles, lamps, devices, and materials of any kind operated, owned, used, or to be used by a person for the generation of electricity. The term includes all buildings, easements, real estate, mains, pipes, conduits, fixtures, meters, wires, poles, lamps, devices, and materials of any kind operated, owned, used, or to be used by a person for cogeneration of electricity.".

(c) Paragraph 81 of Section 8 (37 Stat. 991; D.C. Code § 43-302) is amended by striking the phrase "corporation, water power".

- (d) Paragraph 83 of Section 8 (37 Stat. 991; D.C. Code § 43-304) is amended by striking the phrase ", firm, or corporation" in the first and second sentences and inserting the phrase "by a public utility" after the phrase "District of Columbia" in the first sentence.
- (e) Paragraph 96 of Section 8 (37 Stat. 995; D.C. Code § 43-409(b)) is amended by striking the phrase "service company" and inserting the word "utility" in its place.
- (f) Paragraph 36 of Section 8 (37 Stat. 983; D.C. Code § 43-608) is amended by inserting the phrase "of any public utility" after the word "convenient".
- (g) Paragraph 42 of Section 8 (37 Stat. 984; D.C. Code § 43-612) is amended as follows:
- (1) Section 43-612(a)(3) is amended by striking the word "company" in the first sentence and inserting the word "public utility" in its place.
- (2) Section 43-612(b)(1) is amended by inserting the phrase "electricity suppliers" after the phrase "public utilities,".
- (3) Section 43-612(b)(2) is amended by inserting the phrase "electricity supplier and" after the word "each".
- (4) Section 43-612(b)(3) is amended by striking the phrase "each public utility" after the phrase "shall refund to" and inserting the phrase "and electricity supplier" after the phrase "credit each public utility" and inserting the phrase "or electricity supplier" after the phrase "such public utility" and inserting the phrase "and electricity suppliers" after the phrase

- (h) Paragraph 43 of Section 8 (37 Stat. 984; D.C. Code § 43-614) is amended by inserting the phrase "of any public utility" after the word "charge".
- (i) Paragraph 44 of Section 8 (37 Stat. 984; D.C. Code § 43-615) is amended by inserting the phrase "of a public utility" after the word "charge" and inserting the phrase "by a public utility" after the word "supplied".
- (j) Paragraph 54 of Section 8 (37 Stat. 985; D.C. Code § 43-801) is amended by striking the word "corporation" after the word "electric" and inserting the word "company" in its place.
- (k) Paragraph 55 of Section 8 (37 Stat. 986; D.C. Code § 43-1001) is amended as follows:
- (1) Paragraph (1) is amended by striking the phrase "electrical corporations" after the phrase "gas corporations and" and inserting the phrase "electric companies" in its place and striking the word "corporation" after the phrase "operated by any" and inserting the word "person" in its place.
- (2) Paragraph (2) is amended by striking the phrase "or electricity" after the phrase "and supplying gas" and inserting the phrase "and in transmitting or distributing electricity" in its place and inserting the phrase "with respect to manufacturing, distributing, or supplying such gas, or with respect to transmitting or distributing such electricity" after the word "improvements" and striking the word "thereof" and inserting "of gas or the transmission or distribution of electricity" in its place and striking the phrase "electrical corporations" and

inserting the phrase "electric companies" in its place.

(3) Paragraph (3) is amended by striking the word "supply" and inserting the phrase "transmission or distribution" in its place and striking the phrase "of the current supplied, and of the lamps furnished by the persons or corporations generating and selling electric current" and striking the phrase "of the current supplied, and of the lamps furnished" and inserting the phrase "transmitting or distributing" after the phrase "and supplying gas or" and inserting the phrase "the transmission or distribution of" after the phrase "or distribution of gas or".

- (l) Paragraph 56 of Section 8 (37 Stat. 987; D.C. Code § 43-1002) is amended to read as follows:
 - "§ 43-1002. Approval of certain construction.

No person shall begin the construction of a gas plant, an electric generating facility, or an electric plant without first having obtained the permission and approval of the Commission.".

- (m) Paragraph 57 of Section 8 (37 Stat. 987; D.C. Code § 43-1003) is amended as follows:
- (1) Section 43-1003(d) is amended by striking the phrase "gas corporation and electrical corporation" and inserting the word "person" in its place.
- (2) Section 43-1003(e) is amended by striking the phrase "gas or electrical corporation" and inserting the phrase "person furnishing the meter" in its place and by striking the word "corporation" and inserting the word "person" in its place.
- (n) Paragraph 58 of Section 8 (37 Stat. 987; D.C. Code § 43-1004) is amended by inserting the phrase "the transmission or distribution of" after the word "or" in the title and

deleting the phrase "or electricity	and inserting the phrase	"or the transmission	or distribution of
electricity" in its place.			

- Sec. 202. The Prohibition of Electric and Gas Utility Service Terminations to Master Metered Apartment Buildings Act of 1980, effective July 9, 1980 (D.C. Law 3-94; 27 DCR 3500) is amended as follows:
- (a) Subsection a of Section 3 (D.C. Code § 43-542(a)) is amended by striking the word "utility" and inserting the phrase "company, electricity supplier" after the word "electric".
 - (b) Section 4 (D.C. Code § 43-543) is amended as follows:
- (1) Subsection (a)(1) (D.C. Code § 43-543(a)(1)) is amended by striking the word "utility" and inserting the phrase "company, electricity supplier" after the word "electric".
- (2) Subsection (a)(3) (D.C. Code § 43-543(a)(3)) is amended by striking the word "utility" and inserting the phrase "electric company, electricity supplier, or gas company" in its place.
- (3) Subsection (a)(4) (D.C. Code § 43-543(a)(4) is amended by striking the word "utility" before the word "services" and striking the phrase "utility company" and inserting the phrase "electric company, electricity supplier, or gas company" in its place and striking the phrase "utility bills" and inserting the phrase "electric company, electricity supplier, or gas bills" in its place.
- (4) Subsection (b) (D.C. Code § 43-543(b)) is amended by striking the word "utility" and inserting the phrase "electric company, electricity supplier, or gas" in its place.
 - (5) Subsection (c) (D.C. Code § 43-543(c)) is amended by striking the word

"utility" and inserting the phrase "electric company, electricity supplier, or gas" in its place.

- (c) Section 5 (D.C. Code § 43-544) is amended by striking the word "utility" and inserting the phrase "electric company, electricity supplier, or gas" in its place.
 - (d) Section 7 (D.C. Code § 43-546) is amended as follows:
- (1) Subsection (a) (D.C. Code § 43-546(a)) is amended by striking the phrase "gas or electric company" and inserting the phrase "electric company, electricity supplier, or gas company" in its place, and by striking the word "utility".
- (2) Subsection (b) (D.C. Code § 43-546(b)) is amended by striking the word "utility" before the word "services", and by striking the phrase "a utility" and inserting the phrase "an electric company, electricity supplier, or gas" before the word "company".

Sec. 203. An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, approved March 3, 1899 (30 Stat. 1053; D.C. Code § 43-1207), is amended by striking everything after the first sentence.

Sec. 204. [Chapter 218, Title XVIII] Section 1804(a) of the District of Columbia Public Works Act of 1954 (68 Stat. 101; D.C. Code § 43-1654(a)(1)) is amended by inserting the phrase "company, electricity supplier" after the word "electric".

Sec 205. Section 3 of the Cable Television Communications Act of 1981, approved July 1, 1982 (D.C. Law 4-142; D.C. Code § 43-1802(6)(D) is amended to read as follows:

"Of any electric company used solely for operating its electricity transmission or distribution systems."

Sec. 206. Section 3(1)(E) of the District of Columbia Public Utility Environmental Impact Statement Requirement Act of 1989, approved August 1, 1989 (D.C. Law 8-45; D.C. Code § 43 1902(1)(E)) is amended by striking the word "utility" and inserting the word "company" in its place.

Sec. 207. The Cogeneration Facilities Appropriateness Standards Act of 1994, approved May 21, 1994 (D.C. Law 10-120; D.C. Code § 43-2001 *et seq.*) is repealed.

Title III -- Other Amendments

Sec. 301. Section 1 of An Act to regulate electrical wiring in the District of Columbia, approved April 26, 1904 (33 Stat. 306; D.C. Code § 1-1019) is amended by inserting the phrase "and electricity suppliers" after the phrase "exemption of public utilities" in its title and striking the phrase "Department of Finance" and inserting the phrase "Office of Tax" in its place and striking the phrase "the power plants or buildings of incorporated companies" and inserting the phrase "any electric company or electricity supplier facility or equipment" in its place and striking the word "and" after the word "production," and inserting the phrase "transmission or" in its place.

Sec. 302. Section 3 of The District of Columbia Redevelopment Act of 1945 of 1945, approved August 2, 1946 (60 Stat. 793; D.C. Code § 5-804(d)(1)) is amended by striking the phrase "plant, electrical corporation" and inserting the phrase "company, electricity supplier" in its place and striking the phrase "43-212 to 43-221" and inserting the phrase "Chapter 2 of Title 43 in its place.

Sec. 303. Section 4 of The District of Columbia Public Utilities Reimbursement Act of

1972, approved October 14, 1972 (86 Stat. 812; D.C. Code § 7-135) is amended as follows:

- (a) The word "public" is deleted from the title.
- (b) Subsection (b)(1) is amended by striking the phrase "plant, electrical corporation" and inserting the phrase "company, electricity supplier" in its place, and striking the phrase "43-212 to 43-221" and inserting the phrase "Chapter 2 of Title 43 in its place.

Title IV -- Fiscal Impact

Sec. 401. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Title V -- Effective Date

Sec. 501. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-3392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.